

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19-1729

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Fairless Hills, PA

Address of Defendant: _____

Ewing, NJ

Place of Accident, Incident or Transaction: _____

Falls Township, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 04/22/2019

12630

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable) _____

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify) _____
- 7. Products Liability
- 8. Products Liability - Asbestos
- 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE _____

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable) _____

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Catherine Martino and Ronald Martino,
her husband
Fairless Hills, PA 19030

CIVIL ACTION

v.
Jennifer Walsh
Ewing, NJ 08038

NO.

19-1729

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

04/22/2019
Date

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Attorney-at-law

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Martino, her husband
Attorney for Plaintiff

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APR 22 2019

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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|---------------------|
| Catherine Martino and Ronald Martino, her husband | : | |
| | : | |
| Plaintiff | : | CIVIL ACTION |
| | : | |
| vs. | : | NO.: |
| | : | |
| Jennifer Walsh | : | |
| | : | |
| Defendant. | : | |

COMPLAINT

1. Plaintiffs Catherine Martino and Ronald Martino, her husband, are adult citizens of the Commonwealth of Pennsylvania, residing at 124 Canterbury Road, Fairless Hills, PA 19030.
2. Defendant Jennifer Walsh is an adult residing at 1475 Parkside Ave, Ewing, NJ 08638.
3. The amount in controversy is in excess of \$75,000.00.
4. Jurisdiction of this court is based upon diversity of citizenship. 28 U.S.C. §1332.
5. At all times material hereto, Catherine Martino was operating a 2013 Honda CRV travelling from eastbound Woolston Drive onto the onramp to southbound Route 1 in Falls Township, Bucks County, Pennsylvania.

6. At all times material hereto, Jennifer Walsh was the owner and operator of a 2011 Mazda CX7 travelling from eastbound Woolston Drive onto the onramp to southbound Route 1 in Falls Township, Bucks County, Pennsylvania behind the aforesaid Martino vehicle.
7. On or about August 18, 2017, at approximately 4:15 p.m., the vehicle operated by defendant Walsh came in contact with the rear of the vehicle operated by plaintiff Martino.
8. The aforesaid accident was due to the carelessness and negligence of the defendant Jennifer Walsh.
9. Defendant Jennifer Walsh was careless and negligent in:
 - a. Failing to keep her vehicle under proper control;
 - b. Failing to maintain a proper lookout;
 - c. Failing to see that which was plainly visible;
 - d. Failing to maintain an assured clear distance;
 - e. Traveling at an excessive rate of speed under the circumstances;
 - f. Failing to operate her vehicle so as to avoid collision with stopped vehicles lawfully stopped on the roadway;
 - g. Failing to use due care under all the circumstances.
10. As a result of the aforesaid accident, wife plaintiff was caused to sustain serious personal injuries: she suffered injury to her cervical and lumbosacral spine, including the bones, muscles, nerves, tendons, tissues, ligaments, cartilages and intervertebral discs thereof; she suffered aggravation of pre-existing degenerative disc disease; she suffered cervical radiculopathy; she suffered a closed head injury resulting in occipital neuralgia; she suffered other orthopedic and neurologic injury, the full extent of which is not presently known; she has in the past, and may in the future require medical care and attention for

treatment of the aforesaid injuries; she has in the past, and may in the future be required to expend moneys for medical treatment of the aforesaid injuries; she has in the past and may in the future be disabled from performing her usual activities; she has in the past, and may in the future, suffer agonizing aches pains and mental anguish, all to her great loss and detriment.

11. As a result of the injuries to wife plaintiff as aforesaid, husband plaintiff has been deprived of the society, care, companionship and consortium of wife plaintiff, all to his great loss and detriment.
12. Plaintiff was insured in Pennsylvania pursuant to an insurance policy that provided for the "full tort" option, and claim is made for both economic and non economic damages.

WHEREFORE, plaintiffs claim of the defendant sums in excess of Seventy-five Thousand (\$75,000.00) Dollars, and bring this action to recover same.

Respectfully submitted,

WEISBORD & WEISBORD, P.C.

BY:

RICHARD A. WEISBORD, ESQUIRE
Attorney for Plaintiffs